IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No. 8553 of 2004

M/s India Foils Ltd ..Petitioner
vs
Yasmin Ivan Gojar and ors...Respondents

Mr A K Abhyankar with R S Patil, Mr. C Mishra i/b Khaitan and Co for petitioner

Mr. Haresh M Jagtiani Sr Advocatre with Mr. Hitesh C Dabhi i/b Haresh Jagtiani and Associates for respondent no.l

Mr. Y.D.Mulani AGP for State

CORAM: A.P.SHAH & S.C DHARMADHIKARI JJ.

Dated 29.l0.2004

P.C:

Heard advocates.

2. The only point raised by the learned counsel for the petitioner is that the notice of termination was not in accordance with section l06 of the Transfer of Property Act. The contention is that by the said notice the landlord sought to terminate the tenancy by lst December 2000 and since notice was dated l7.ll.2000, there was no clear l5 days notice. The contention is devoid of any substance. In the first place on plain reading of the notice it is clear that termination was with effect from l.l.2001 and therefore there was

sufficient notice to the tenant. In any event, amended provisions of section l06(3) specifically provide that notice shall not be deemed as invalid merely because the period mentioned therein fell short of the period specified under sub-section where suit or proceeding is filed after the expiry of the period mentioned in that sub-section . In the present case the suit was filed 4 months after the notice and, therefore, the there is no infraction of section l06.

3. The learned counsel for the petitioner also raised the issue of validity of section 3(l)(b) of the Maharashtra Rent Control Act, l999. This issue stands concluded by the decision of this court in AIR 2002 Bombay 65. The Division Bench has held the said section to be intravires. In the circumstances no interference is warranted. Writ petition is dismissed.

4 On the request of the learned counsel for the petitioner eviction decree is stayed for a period of 8 weeks from today.